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HUNTON & WILLIAMS, LLP  
INTELLECTUAL PROPERTY DEPARTMENT  
1900 K STREET, N.W.  
SUITE 1200  
WASHINGTON, DC 20006-1109

**MAILED**

**JUN 06 2011**

**OFFICE OF PETITIONS**

In re Application of  
Roderick Scott  
Application No. 10/591,418  
Filed: July 10, 2007  
Attorney Docket No. 68449.000002

**ON PETITION**

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 26, 2011, to revive the above-identified application.


The application became abandoned for failure to timely file a timely response to the final Office action mailed November 24, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay. Therefore, the petition is granted.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 13/114,656.

The Office acknowledges receipt of \$555 for a three months extension of time filed on May 26, 2011. However, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r. Pats. 1988). Accordingly, since the \$555 extension of time fee was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

  
Andrea Smith  
Petitions Examiner  
Office of Petitions